

**Board of Zoning Appeals**

601 Lakeside Avenue, Room 516  
Cleveland, Ohio 44114-1071  
[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)  
216.664.2580

**November 25, 2019**

**9:30**

**Calendar No. 19-269:**

**16800 Miles Avenue.**

**Ward 1**

**Joseph T. Jones**

**19 Notices**

VMV Group, owner, proposes to establish use as a wrecking yard in a C1 Residence Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 327.02(e) which states that a detailed site plan including all features is required.
2. Section 345.02 which states that a wrecking yard is not permitted in a Residence Industry District but first permitted in General Industry District.
3. Section 345.04 which states that the operation of wrecking or dismantling of motor vehicles, or the storage of motor vehicles, pending wrecking or dismantling, in areas with a minimum area of fifty thousand (50,000) square feet providing such premises is enclosed within a minimum seven (7) foot High solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence. Such wall or fence may have one (1) opening not more than twenty (20) feet in width for street access and may have (2) such openings if the wall or fence along the street s more than two hundred (200) feet in length. Proposed fence does not enclose the premises (Filed October 15, 2019)

**9:30**

**Calendar No. 19-270:**

**7200 Brookpark Rd.**

**Ward 13**

**Kevin J. Kelley**

**8 Notices**

M&G Equities, owner is proposing to Erect/Install Four Free Standing Signs and Seven Wall Signs in C3 Semi-Industrial District Zoning District. The owner appeals for relief from the strict application of Sections 350.15(b) and 350.20 (b) which state that 299.5 square feet total area is permitted for wall signage; the code sections also state that 188 total square feet are permitted for pole signs on each driveway if not less than 500 feet from each other measured along property lines or if less than 500 feet but not more than 300 feet if less than 12 feet in height; the appellant is proposing four free standing signs and #10 and #11 are within 300 feet of each other(Filed October 18, 2019-repeat of BZA19-032).

**POSTPONED FROM October 21, 2019**

**9:30**

**Calendar No. 19-187: 1666 W. 69<sup>th</sup> Street**

**Ward 15  
Matt Zone  
Notices**

Dean Sigan, owner, proposes to erect a 12.5 x 18' 2 rear addition, 4'-3" x 18' 2 story front balcony & second floor rood addition and 18' x 35' third floor great room addition to existing condemned singled family residence. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.05 which states that all parking spaces shall be placed on rear half of lot, no parking space shall be within 10 feet of any wall that contains ground floor windows that provides ventilation.
2. Section 355.04(a) which states that the maximum Gross Floor Area shall not exceed 50 percent of lot size or in this case 1,139 square feet and the appellant is proposing 2,030 square feet.
3. Section 357.04 (a) which states that the required Front Yard Setback is 16.6 feet and the appellant is proposing 11 feet and 6 inches.
4. Section 357.08(b)(1) which states that the Required Rear Yard is 24 feet and the appellant is proposing 7 feet for dwelling and 3.1 feet for deck.
5. Section 357.09(2)(B) which states that the Required Interior Side yard is 3 feet and the appellant is proposing 2 feet rear, third floor, front additions . This section also states that the total width of both Side yards shall not be less than 6' and the appellant is proposing 4 feet; the minimum distance between main building on adjoining lots shall not be less than 6 feet and the appellant is proposing 3 feet
6. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed July 24, 2019) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE CITY TO ALLOW TIME TO REVIEW UPDATED PLANS. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*

**POSTPONED FROM October 21, 2019**

**9:30**

**Calendar No. 19-188: 3540 W. 117<sup>th</sup> Street**

**Ward 11  
Dona Brady  
Notices**

Neal Assad, owner, proposes to add used car sales to an auto repair shop in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01(b) which states that Motor Vehicle Sales and Repair Shop are not permitted uses in the Local Retail Business District but are first permitted in General Retail District if 100 feet from a residential district per section 343.11 (b)(2)(1) of the Cleveland Codified Ordinances.
2. Section 357.01(c) which states that a front yard setback is required in Local Retail Business District

3. Section 357.13 (b) which states that Parking of motor vehicles is not a permitted front yard setback encroachment. The front yard setback is established by building line of existing residences on W. 117 Street per section 357.06(a)
4. Sections 352.08 through 12 which state that a 10 foot Wide transition strip of at least 75% year round opacity where property abuts residential district at rear and side is required.
5. Section 343.18(d)(e) which states that the driveway width cannot exceed 30 feet and that the distance between two driveways must be at least 30 feet.
6. Section 349.04(f) which states that an Auto Sales lot must provide 25 percent of their gross lot area for customer parking.
7. Note: A separate permit is required for sign; sign detail is not shown. (Filed July 24, 2019) *SECOND POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE COUNCILWOMAN TO ALLOW FOR TIME FOR A COMMUNITY MEETING.*

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**10:30**

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**POSTPONED FROM OCTOBER 21, 2019**

**10:30**

**Calendar No. 19-209:**

**17403 Dorchester Blvd.**

**Ward 8**

**Michael D. Polensek**

**38 Notices**

Vince & Suzanne DeGeorge, owners, propose to erect a 74' x 34' two story frame single family residence with attached 3 bay garage and rear balcony in an A1 One-Family Residential District with a new mean height of 22 feet. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a)(6)(A)(2) which states that attached garages must be located on the rear half of the lot.
2. Section 357.06 which states that whenever the plat of a land subdivision approved by the Planning Commission and on record in the office of the County Recorder shows a setback building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line specified in this chapter unless specific building lines shown on the Building Zone Map require a greater setback. In this case a 40 foot setback is required per City approved Plats.
3. Section 341.02 which states that approval of Cleveland City Planning Department is required.
4. Note: it has been determined that in 1990 a prior owner of the subject property made a request for variances similar in this case in Calendar Number 90-27 and the appeal was denied by the Board. Pursuant to Rule XIII of the Rules and Regulations of the Board of Zoning Appeals this appeal may be considered a "refiling", which must be dismissed unless the appellant can present evidence to justify the denial of the application of *res judicata*, including substantially changed circumstances, substantial new relevant evidence that was not available at the hearing on the prior appeal, or that the application of *res judicata* would create manifest injustice. (Filed August 26, 2019-No Testimony). *SECOND POSTPONEMENT MADE DUE TO A REVISED PLAN AND NOTICE OF NONCONFORMANCE; NEW LANGUAGE IS UNDERLINED. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT'S ATTORNEY DUE TO A SCHEDULING CONFLICT.*